

Att. Docket No.: 59036-249737
Serial No.: 09/904,707
Office Action: September 28, 2004
Amendment & Response: December 28, 2004

REMARKS

The Applicant gratefully acknowledges the Examiner's indication that claims 2, 36, 45 and 63 would be allowable if rewritten in independent form and that claims 11-13, 28-29, 45-60 and 70-78 are allowable.

The Applicant proposes herein amendments to conform the claims to the form indicated to be allowable and respectfully requests reconsideration of this application as amended. Claims 1, 34, 37-40, 42-43, 46-49, 51, 61, 66-67 and 69 have been amended without prejudice. Claims 2, 7-10, 20-27, 36, 45 and 63 have been cancelled without prejudice. Therefore, claims 1, 3-6, 11-13, 28-29, 34-35, 37-44, 46-62 and 64-78 remain present for examination.

CLAIM OBJECTIONS

In the Office action, the Examiner indicated claims 64 and 65 were objected to due to the phrase "said determining" lacking antecedent basis. This phrase is now thought to have proper antecedent basis as a result of the amendments proposed herein incorporating claim 63 into amended claim 61.

35 U.S.C. §102 Rejection

The Examiner has rejected claims 1, 3-10, 20-25, 34-35, 43-44, 61-62 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,999,918 of Williams et al. ("Williams"). The Applicant respectfully disagrees with the Examiner's characterization of Williams. However, for the sake of expediting issuance of the present application, the Applicant has cancelled and/or amended these claims without prejudice and reserves the right to pursue claims of similar breadth in one or more continuation applications.

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

It is the undersigned's position that the claims were allowable over Williams, Edeness and Baird individually and/or in combination prior to the amendments contained herein. Consequently, the undersigned agrees the Williams, Edeness and Baird references are deficient individually and in combination with respect to one or more expressly recited claim limitations of claims 2, 11-13, 28-29, 36, 45-60, 63 and 70-78. However, the undersigned would like to state for the record that the limitations recited by the Examiner as being the distinguishing features over the prior art of record may not be the only distinctions.

Furthermore, in situations where the Examiner called out multiple limitations as being distinctive, the undersigned is not in agreement that all of such multiple limitations are required for novelty or non-obviousness.

CONCLUSION

The Applicant respectfully submits that the objections and rejections raised in the Office action have been overcome by the amendment and remark, and that the pending claims are in condition for allowance. Accordingly, the Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be promptly issued for claims 1, 3-6, 11-13, 28-29, 34-35, 37-44, 46-62 and 64-78 as amended herein.

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INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is requested to call the undersigned at (303) 607-3633 if there remains any issue with allowance of the case.

CHARGE OUR DEPOSIT ACCOUNT

Please debit any underpayment or credit any overpayment to Deposit Account No. **06-0029**.

Respectfully submitted,

FAEGRE & BENSON LLP
CUSTOMER NO.: 35657

Date: **December 28, 2004**

By: 

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